

CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
September 22, 2021

Note: These minutes are not completed verbatim. For further detail, video recordings are available at the Pollard Library, second floor reference desk or online at www.LTC.org.

Due to the COVID-19 pandemic, this meeting was held both in person and virtually using Zoom.

Members Present: Louisa Varnum, William Lovely, Perry Downs, Weston Standish

Members Absent: Brad Buitenhuys, Kevin Dillon

Others Present: Jess Wilson, Associate Planner

CALL TO ORDER

Meeting called to order at 7:10 PM

ORDER OF BUSINESS

NEW BUSINESS

CONTINUED BUSINESS

Notice of Intent

Chantho Mo
138 Martin Street
Lowell, MA 01854

Project Location: 138 Martin Street 01854

The applicant is seeking to construct an addition to a single-family home within the 100 year floodplain. The applicant has proposed to demolish an existing addition at the rear of the property and construct a larger addition. **MassDEP has not assigned a number to this project yet.**

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

W. Standish motioned and P. Downs seconded the motion to continue the Application until the Applicant reaches out, the motion passed unanimously (4-0).

Enforcement Order

Angkor Monastery

39 Grove Street

Lowell, MA 01851

Violation Location: 205 Billerica Street, 01851

The violator engaged in tree removal within the 100-foot buffer zone of the Concord River riverfront area without Conservation Commission approval. Trees were removed and there appears to be potential for additional construction in the buffer zone without a building permit, or Conservation Commission approval.

On Behalf:

Kenneth Mavrogeorge, Project Manager

K. Mavrogeorge provided an overview of this history of the enforcement order and summarized the proposed Restoration Plan. He stated that part of the assessment involved analyzing historical aerial imagery to identify the quantity, location, and species of trees removed and approximately when the trees removal occurred. They found that eighteen (18) trees had been removed, eleven (11) of which were invasive species, prior to 2012. The only new clearing that took place under the current owner was removal of overgrowth and invasive species. The Applicant proposes to remove the new gravel stone area and re-establish the previously existing lawn.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum acknowledged the previous owner's contribution to the violation and noted that while it is desirable to remove invasive species, removing a large quantity of vegetation all at once poses a threat to the ecosystem, citing concerns over erosion of the riverbank during a storm event. She stated that

this is an opportunity to plant flowering trees that will enhance the property value while also replacing lost foliage. She expressed a preference for allowing the gravel area to remain, as reverting it back to grass could further destabilize the land.

W. Lovely agreed that the gravel area should remain and asked about pre-disturbance cut/fill and whether the topography or flood storage changed as a result.

K. Mavrogeorge responded that no fill was brought into the site and that topography did not change.

W. Lovely stated that he would like to know whether the grading and flood storage changed at all and suggested enhancing the fifty-foot buffer zone by planting native trees along the river.

P. Downs agreed that leaving the gravel area is acceptable and enhancing planting will be useful.

W. Standish agreed and referenced the images of the site from 2012 and 2021 on pages 7-8 of Appendix B which suggest that fill removed but none was added. He agreed that it should be determined whether flood storage has been lost, but suspects that it has not. He stated that he would like to see a more robust planting plan with trees and shrubs around the gravel area instead of just grass seed.

K. Mavrogeorge clarified the locations of vegetation removal and asked if it was acceptable to allow the cleared area along the river to return to a natural state.

W. Standish said that it would be acceptable if some non-invasive saplings and a wetland seed mix are planted to help restore and fill in the vegetation gap along the river.

W. Lovely noted that the trees should not be so crowded as to prohibited growth over time, but should be dense enough to re-establish the tree canopy.

L. Varnum agreed that the replacement trees do not need to be large and noted that the Black Locust and Silver Maple trees that were lost were probably over-sized for this lot. She suggested smaller fruit-bearing or flowering trees and advised on the proper maintenance needed to allow saplings to establish. She encouraged the Applicant to research the appropriate spacing for the species that they choose. She also noted the likelihood that this area will flood and suggested that the chosen species be inundation-tolerant.

K. Mavrogeorge clarified that the Applicant was hoping that by proposing to remove the gravel area, the Commission would lift the Enforcement Order.

L. Varnum stated that they will not lift the Enforcement Order until the remediation work is complete or at least substantially underway.

W. Lovely stated that the Commission is flexible and open to hearing the Applicant's suggestions for species that will suit the desired uses and visual appearance of the property.

K. Mavrogeorge stated that the Applicants will work together to come up with a suitable plan and asked if the approval would be administrative.

L. Varnum stated that the Commission will need to review the plans once they are complete and will lift the Enforcement Order once the area is stabilized. She stated that the Applicant should inform the Conservation Office in advance of any and all work done on the property moving forward.

The Commissioners and the Applicant discussed the timeline to complete the plans and begin mitigation, and agreed to reconvene at the next meeting on October 13, 2021.

K. Mavrogeorge agreed to submit plans digitally before the October 13 meeting.

Motion:

None

Enforcement Order

Westminster Preservation LP

60 Columbus Circle

New York, NY 10023

Violation Location: 1276 Pawtucket Boulevard, 01854

The violator engaged in brush and soil removal along the bank of the Merrimack River in order to create their own beach. They are also storing a floating dock, a chair, and a kayak along the river.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum referenced the photos of the new planting which the violator submitted and stated that the plantings should have been more dense to help stabilize the steep slope and that a site visit is needed to confirm whether any damage or erosion has occurred on the slope since the planting.

W. Standish recommended that the area be hydro-seeded with a wetland seed mix or a seeded fabric.

L. Varnum noted that the soil appears loose in the photographs and that there have been several rain storms since the photos were taken, she suggested that another site visit be conducted. She stated that more drastic remediation measures such as landscaping fabric or crushed stone are needed to prevent erosion. She recommended keep the Enforcement Order on the Agenda for the next meeting.

W. Standish stated than an erosion control blanked with a seed mix would work well.

The Commissioners discussed the location of the violation and the logistics of conducting site visits.

P. Downs agreed that the photos appear to show that there is still a lot of loose soil.

Motion:

None

NEW BUSINESS

Request for Determination of Applicability

Jeff Hitchcock

21 Governor Peabody Road

Billerica, MA 01821

Project Location: 53 Melrose Avenue, 01854

A Request for Determination of Applicability has been filed by Jeff Hitchcock to remove one (1) dead pine tree, and replace it with an indigenous tree. The proposed work will take place within the 100-year Floodplain.

On Behalf:

Jeff Hitchcock, Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated that she visited the property and asked about the location of the proposed replacement tree.

J. Hitchcock stated that the tree will be planted in the front-right corner of the lot where there is more sunlight.

L. Varnum noted that a deciduous tree will be more useful to soak up water in the floodplain and asked about the proposed tree species.

J. Hitchcock stated that the replacement will be a Red Maple.

L. Varnum agree that is an ideal selection and asked when the work will be complete.

J. Hitchcock stated that they hope to complete the work soon, but may need to wait until after winter.

L. Varnum asked about the plan for removing debris.

J. Hitchcock stated that debris removal was included in the cost estimate as part of the scope of work.

L. Varnum instructed the Applicant to call the Conservation Office on the day of the tree removal so that they are aware the work is happening and can inform any concern abutters who may call.

Motion:

W. Standish motioned and P. Downs seconded the motion to issue a Negative III Determination, the motion passed unanimously (4-0).

Emergency Certification

Wachusett Wildlife

Project Location: 78 Lexington Avenue, 01854

An Emergency Certification was issued due to a breached dam located within a culvert on Malden Avenue to abate flooding emergency.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated that she was unclear on which culvert or end of the culvert was affected and that the water level went down in the ponding area with water flowing downstream. She expressed support for ratifying the Emergency Certification.

Motion:

W. Standish motioned and W. Lovely seconded the motion to ratify the Emergency Certification, the motion passed unanimously (4-0).

Request for Determination of Applicability

Thomas and Mercedes Casella

19 Ludlam Street

Lowell, MA 01850

Project Location: 19 Ludlam Street, 01850

A Request for Determination of Applicability has been filed by Thomas & Mercedes Casella to install a deck within the 100-ft buffer zone to bordering vegetated wetlands.

On Behalf:

Mercedes Casella, Property Owner

M. Casella provided a brief history of the property, informing the Commission that there had previously been a pool and a deck. The pool was removed and they now wish to remove and replace the deck in the same locate, twenty-one (21) feet along the back of the house and out twenty-four (24) feet along the side of the property.

Speaking in Favor:

Speaking in Opposition:

Discussion:

L. Varum asked about the dimensions of the proposed deck.

M. Casella stated that the deck will be twenty-one (21) by twenty-four (24) feet.

L. Varum asked how close to the wetland the deck is.

M. Casella stated that the deck will be about sixty-five (65) to sixty-seven (67) feet from the wetland and described the layout of properties and the location of the wetland.

L. Varum stated that this would most likely not impact the resource area and asked about the deck supports.

M. Casella stated that the deck will be supported by pressure-treated posts set four (4) feet below grade with cement footings.

The other Commissioners stated that they did not have any questions.

Motion:

W. Lovely motioned and P. Downs seconded the motion to issue a Negative III determination, the motion passed unanimously (4-0).

OTHER BUSINESS

Minutes

September 8, 2021 Minutes

W. Lovely motioned and W. Standish seconded the motion to approve the September 8, 2021 meeting minutes, the motion passed unanimously (4-0).

ADJOURNMENT

P. Downs motions and W. Lovely seconded the motion to adjourn at 8:08pm, the motion passed unanimously (4-0).